

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Slater, et al.

Group Art Unit: 3735

RECEIVED  
CENTRAL FAX CENTER  
MAY 24 2006

Serial No.: 10/811,536

Examiner: Samuel G. Gilbert

Filed: March 29, 2004

Attorney Docket: SYN-034 C2

Title: RadioActive Therapeutic Seed Having Selective Marker Configuration

I hereby certify that this correspondence is being facsimile transmitted on this day to 571-273-8300.



5-24-06

David P. Gordon

Date

Honorable Commissioner for Patents  
Alexandria, VA 22313

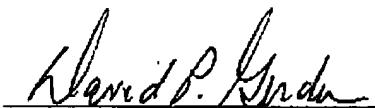
Sir:

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER A PATENT**

The owner, Syntheon, LLC , of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,712,752. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above referenced patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.



David P. Gordon  
Reg. No. 29,996  
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.  
60 Long Ridge Road  
Suite 407  
Stamford, CT 06902  
Tel: (203) 323-1800  
Fax: (203) 323-1803

May 24, 2006